IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1237 OF 2007
IN
SECOND APPEAL NO.116 OF 2004

Babasaheb Maruti Ramoshi & Ors. ..Applicants.
Vs.
Dhondi Satyappa Ramoshi & Ors. ..Respondents.

Mr.N.V.Bandiwadekar, adv. for the Applicants.
Mr.S.R.Page, adv. for the Respondents.

CORAM : J.H.BHATIA, J.
DATE : SEPTEMBER 17, 2007.
NOT ON BOARD. TAKEN ON BOARD.

P.C.:

1. Heard Mr.Bandiwadekar the learned counsel for the applicants, who are original appellants and the plaintiffs. By this application , the applicants seek to produce certain copies from the revenue record pertaining the suit land survey no.81.

2. It appears that the plaintiffs filed suit in 1979 claiming possession of the suit land on the basis that it was Inam land in possession of his family and there were entries in the revenue record up to the year 1930 and thereafter again after 1960. The trial Court noted that the mutation entry in favour of the plaintiffs after 1960 was already set aside by the revenue authorities and the plaintiffs had failed to

produce any document to show that he had paid the price of regrant of the land after abolition of Inams. The judgment of the First Appellate Court reveals that the appeal was filed in 1987 and in 1988 when the first appeal was heard, request was made on behalf the plaintiff to grant some more time to produce the document but no such document was produced at that stage. Now in the second appeal, the plaintiff seeks leave to file certain documents only to show his share, etc. in the property. There is no explanation as to why the palintiffs/appellants could not produce all these documents during the pendency of the suit or even during the pendency of the first appeal. The Courts below have already noted that the revenue entries taken after 1960 in favour of the plaintiffs have been set aside in the appeal preferred by the defendants. In these circumstances, I do not see any reason to allow production of documents at this late stage after a period of about 28 years.

3. Application stands rejected.

[J.H.BHATIA, J.]

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Vs.
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Mr.N.V.Bandiwadekar, adv. for the Appellants.
Mr.S.R.Page, adv. for the Respondents.

CORAM : J.H.BHATIA, J.
DATE : SEPTEMBER 17, 2007.

NOT ON BOARD. TAKEN ON BOARD.

P.C.:

1. Heard Mr.Bandiwadekar the learned counsel for the appellants.

2. The claim of the plaintiff is that suit land was an Inam land granted to his forefathers and he and his forefathers were in possession of the land. He relied upon the revenue record upto the year 1930 and again from 1960 onwards to show possession of himself or his forefathers. The Courts below noted that the mutation entry of the year 1960 in favour of the plaintiffs was set aside by the revenue authorities. The case of the defendants/respondents was that one Appa Ramoshi, the uncle of the plaintiff/appellant, was sanadi employee performing duties of Kotwal. However, he was prosecuted for criminal case and was removed from that

post. Thereafter one, Krishna Padalkar was appointed as Kotwal and the land was allotted to him. On resignation of Krishna Padalkar, the defendant was performing duties of Kotwal since 1935 and the land was put in his possession as such. Both the Courts below have given concurrent findings that the plaintiff/appellant has failed to prove his title or possession over the suit property. Taking into consideration the facts and concurrent findings, I find that no substantial question of law is involved.

3. Appeal stands dismissed.

(J.H.Bhatia, J.)